THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 2051 of 2006

Dated: 30.08.2006

Between:

K. Gangaram, S/o Gangaram, Conductor, E.304922, H.No.4-4-45/12, Near Govt. Civil Hospital, N.H.7, Adilabad, Adilabad District.

..... PETITIONER

AND

The Regional Manager, A.P.S.R.T.C., Adilabad Region, Adilabad District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 2051 of 2006

Order:

The present writ petition is filed questioning the proceedings No.Peshi/19(51)/98-RM.ADB, dated 27.07.1999, of the 1st respondent-Regional Manager rejecting the review petition filed by the petitioner.

The petitioner, who is working as a Conductor in the respondents-A.P.S.R.T.C., was charge sheeted alleging that he unauthorisedly absent from his duties from 29.11.1995 to 14.12.1995 and from 27.12.1995 onwards. As the cover through which the charge sheet was sent to the petitioner was returned undelivered, a copy of the same was exhibited on the Notice Board. Thereafter, an enquiry was conducted into the charges. The Enquiry Officer, having conducted the enquiry, held the charges proved. Based on the findings of the enquiry report, the 3rd respondent, namely the Depot Manager, by order dated 17.08.1996, removed the petitioner from service. Against the order of removal, the petitioner filed an appeal before the 2nd respondent, namely the Deputy Chief Traffic Manager, Adilabad District, and the 2nd respondent-Deputy Chief Traffic Manager, by order dated 08.11.1996, set aside the removal order passed by the 3rd respondent-Depot Manager and ordered to reinstate the petitioner into service. Accordingly, by order dated 03.12.1996 of the 2nd respondent-Deputy Chief Traffic Manager, the petitioner was reinstated into service and posted to Bhainsa Depot, but as a measure of penalty his pay was reduced by two incremental stages for a period of two years with

cumulative effect besides treating his suspension period as 'not on duty' for all purposes. Aggrieved by the same, he preferred review petition before the 1st respondent-Regional Manager, Adilabad, which was rejected, by order dated 27.07.1999. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

Learned counsel for the petitioner submitted that as the petitioner's aunt was suffering from psycho-Nurosis, he took her to Rahmatabad for treatment, and in addition to that the petitioner was also advised to take rest for some period to avoid mental imbalance, and therefore, he could not attend to his duties. He further submits that the punishment imposed against the petitioner is not commensurate with the proved misconduct, and that the impugned proceedings of the 1st respondent in rejecting the review petition filed by the petitioner and in confirming the order of the 2nd respondent, ordering stoppage of two increments with cumulative effect, is illegal and arbitrary.

In the present writ petition the petitioner did not challenge the enquiry proceedings and the only question remains to be answered is whether the proved misconduct is disproportionate to the punishment imposed. The petitioner was charge sheeted on the ground that he unauthorisedly absent from his duties from 29.11.1995 to 14.12.1995 and from 27.12.1995 onwards. As the cover through which the charge sheet was sent to the petitioner was returned undelivered, a copy of the same was exhibited on the Notice Board. Thereafter, a regular enquiry was ordered, wherein the charges leveled against the petitioner were proved and based on the report of the enquiry officer, respondent No.3, namely the Depot Manager removed the petitioner from service. Against the order of removal, the petitioner filed an appeal before the 2nd respondent, namely the Deputy Chief Traffic Manager, Adilabad District, and the 2nd respondent-Deputy Chief Traffic Manager, after considering

the sickness of the petitioner and by taking a lenient view, by order dated 08.11.1996, set aside the removal order passed by the 3rd respondent-Depot Manager and ordered to reinstate the petitioner into service. Accordingly, by order dated 03.12.1996 of the 2nd respondent-Deputy Chief Traffic Manager, the petitioner was reinstated into service and posted to Bhainsa Depot, but as a measure of penalty his pay was reduced by two incremental stages for a period of two years with cumulative effect besides treating his suspension period as 'not on duty' for all purposes, which was also confirmed by the review authority, and no exception can be taken thereto, more so having regard to the judgment of the apex Court in ***Regional Manager, Rajasthan SRTC v. Sohan Lal***[1], wherein it was held that it is not within the normal jurisdiction of the superior courts to interfere with the quantum of sentence imposed by the disciplinary authority, unless it is shown that the sentence imposed is wholly disproportionate to the misconduct proved. The petitioner has not made out any ground to show that the punishment imposed by the disciplinary authority is disproportionate to the proved misconduct.

There is no merit in the writ petition and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 30.08.2006
Nsr/Grk

[1] (2004) 8 SCC 218